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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,448	07/24/2003	Haruki Hiranuma	S004-5075	9632

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New York, NY 10004

EXAMINER

KYLE, MICHAEL J

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/626,448

Applicant(s)

HIRANUMA ET AL.

Examiner

Michael J Kyle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1 and 6 are objected to because of the limitation "frame-like". Examiner suggests changing this to --frame--, as it is unclear if elements other than a frame are encompassed with the present limitation.
2. Claim 1 is objected to because of the limitation that a spring accommodating hole is "provided in a position biased from the axle center of the pivot axis" (claim 1, lines 12-14). It is unclear how a location, or position, can be biased. Examiner notes that a structural element, or location on a structural element, may be biased. However, it is unclear, based on the present claim limitations, which structural feature is biased.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carrol (U.S. Patent No. 3,313,101) in view of Tasman (U.S. Patent No. 5,867,871). Carrol discloses a portable apparatus with an opening/closing lid, or front lid, (14) comprising an armor assembly, or time piece armor main portion, with a frame (12) portion, or case band. A cover glass (shown in figure 1, cover 64) is mounted to a surface of the case band, or frame (12), and a case back (integral with 12, bottom portion of figure 2) is mounted to a back face of the case band, or

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frame (12). The opening/closing lid, or front lid, (14) is rotatably attached to the frame portion through a pivot axle (at 18). The opening/closing lid closes the front face. A spring biases the opening closing lid in it opening and closing directions. Carrol states that “any hinge of conventional construction” can be used to bias the cover 14 (column 2, lines 45-48). Carrol fails to disclose a cylindrical axle fitting portion rotatably fitting to the pivot axle and a spring accommodating hole facing the axle fitting portion.

5. Tasman teaches an assembly comprising an opening/closing lid (20), a spring (37) biasing the opening/closing lid in the opening and closing directions, a pivot axle (32), a cylindrical axle fitting portion (33) fit to the pivot axle, and a spring accommodating hole (39) facing the axle fitting portion. The spring is a coil spring, and biases the opening/closing lid by a spring force of the spring applied to the axle fitting portion (33). Tasman uses this arrangement to allow for controlled movement of the lid, or door, and lock the door in either an opened or closed position (column 5, lines 4-9). It would have been obvious to one having ordinary skill in the art at the time of the invention, to modify Carrol as taught by Tasman, such that Carrol’s hinge arrangement 18 is replaced by the hinge arrangement of Tasman, in order to lock the lid of Carrol in either an opened or closed position.

6. With respect to claims 2 and 3, Tasman further discloses a transmission body (36) with a convex curved face (outer circumferential face) contacting the axle fitting portion (33). Tasman teaches the lid (20) to be biased in it closing direction (when the door 20 is closed, there is biasing force maintaining the door in the closed position) and a portion of an outer circumferential face of the axle fitting portion faces the spring accommodating hole (39) as the opening/closing lid (20) is opened from its closed position is formed by an arc face (34).

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7. With respect to claim 5, Carrol discloses the apparatus to be a watch.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carrol in view of Tasman as applied to claim 1 above, and further in view of Perkins et al ("Perkins", U.S. Patent No. 6,070,294). Tasman shows an outer circumference face of the axle fitting portion to have a single flat pressure receiving outer circumference region, but fails to show plural flat pressure receiving areas.

9. Perkins teaches a hinge assembly with an axle fitting portion (11) and a spring (45) and transmission body (41), both in a spring accommodating hole. Perkins also shows plural flat pressure receiving areas (43) on the outer circumference of the axle fitting portion. These plural flat areas allow the door, or lid, to be held, and biased, in a number of predetermined positions. It would have been obvious to one having ordinary skill in the art at the time of the invention in order to allow the door to be held, or locked at a plurality of positions.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited to further show the state of the art with respect to hinges with a catches, and time pieces with hinged covers: Bannatyne, Hardy, Garret et al, Chiang, and Kao.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Kyle whose telephone number is 703-305-3614. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

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12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mk

  
ROBERT J. SANDY  
PRIMARY EXAMINER

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